

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Muller et al.

Serial No. 09/895,198

Group Art Unit: 2814

Filed: July 2, 2001

Examiner: Trinh, Hoa B.

For: LATERAL PATTERNING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Sir:


In response to the Notice of Abandonment dated July 28, 2003, Applicants hereby petition under 37 C.F.R. § 1.181(a) that the Notice of Abandonment be withdrawn (MPEP § 7.11.03(c)), and that the application proceed to issuance. Applicants provide herewith a copy of the date-stamped Auto-Reply Facsimile Transmission which indicates that the RCE was timely filed on **January 7, 2003**, which is before the due date of February 7, 2003. Also submitted herewith is a copy of the RCE transmittal.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Dated:

8/15/03



Frederick W. Gibb, III  
Reg. No. 37,629

McGinn & Gibb, PLLC  
2568-A Riva Road  
Suite 304  
Annapolis, MD 21401  
301-261-8071  
Customer Number: 28211

Page 001

## Auto-Reply Facsimile Transmission



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SENT BY: BODINA QJBB,	DOI 261 8825;	JAN-7-03 16:20; PAGE 1/1
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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address for Commissioner for Patents Box RCE Washington, DC 20231

Application Number	68055 J36
Filing Date	JUNE 2, 2004
First Invented Inventor	K. Paul Mueller
Art Unit	2343
Examiner Name	TIMOTHY, BEN E.
Airmail Control Number	YQ9974575NY

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application. Request for Continued Examination (RCE) under 37 CFR § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs that to be submitted to the USPTO on page 3.

- Submission required under 37 CFR § 1.114**
  - a. ☒ Previously submitted
    - i. ☒ Consider the amendment(s) filed under 37 CFR § 1.116 previously filed on \_\_\_\_\_, Response A, Item 1.  
(Any unexamined amendments referred to above will be entered).
    - ii. ☐ Other \_\_\_\_\_
  - b. ☐ Enveloped
    - i. ☐ Amendment/Reply
    - ii. ☐ Information Disclosure Statement (IDS)
    - iii. ☐ Affidavit(s)/Declaration(s)
    - iv. ☐ Other \_\_\_\_\_
- Miscellaneous**
  - a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(b) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 5 months; Fee under 37 CFR § 1.170) required).
  - b. ☐ Other \_\_\_\_\_
  - c. ☒ Fees: The RCE fee under 37 CFR § 1.171(a) is required by 37 CFR § 1.114 when the RCE is filed.  
☒ The Director is hereby authorized to charge the following fee, or credit any overpayments to:  
Deposit Account No. 504518
  - d. ☐ RCE fee required under 37 CFR § 1.171(e)
  - e. ☐ Extension of time fee (37 CFR §§ 1.136 and 1.137)
  - f. ☐ Other \_\_\_\_\_
  - g. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - h. ☐ Payment by credit card (Form PTO-5039 included)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Patented By, CSM, ES	Signature Line No., page no./sheet	37453
Signature	<i>[Handwritten Signature]</i>	Date	January 7, 2003

**CERTIFICATE OF MAILING AND TRANSMISSION**

I hereby certify that the correspondence is being deposited with the United States Postal Service with sufficient postage so first class mail if a Standard Address label is used. Correspondence Fee Payable, Box RCE, Washington, DC 20231, or Secretary transmitted to the U.S. Patent and Trademark Office, P.O. Box 5037, Springfield, VA 22151.

Name (Print/Type)	Patented By, CSM, ES	Date	January 7, 2003
Signature	<i>[Handwritten Signature]</i>	Date	January 7, 2003

Submit Home Statements. This form is intended to be used at least 2 hours before filing. There will always be a fee for the use of the home statement. Any statements on this form must be filed with the form documents to be filed in the office. Information regarding U.S. Patent and Trademark Office forms can be found at www.uspto.gov. Form 1000 (Rev. 10-2001). Please refer to the appropriate section of the Manual for more information. All other correspondence to Patent, Box RCE, Washington, DC 20231.

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945	1 / 7 16:20....	0'33"	USPTO	SEND.....	1 / 1	EC144	COMPLETED.....

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address for Commissioner for Patents Box RCE Washington, DC 20530	<table border="1"> <tr><td>Application Number</td><td>05/05,196</td></tr> <tr><td>Filing Date</td><td>July 3, 2004</td></tr> <tr><td>First Named Inventor</td><td>K. Paul Miller</td></tr> <tr><td>Art Unit</td><td>2834</td></tr> <tr><td>Examiner Name</td><td>Yuhua, Bao B.</td></tr> <tr><td>Attorney/Agent Name</td><td>YONGGANG MURPHY</td></tr> </table>	Application Number	05/05,196	Filing Date	July 3, 2004	First Named Inventor	K. Paul Miller	Art Unit	2834	Examiner Name	Yuhua, Bao B.	Attorney/Agent Name	YONGGANG MURPHY
Application Number	05/05,196												
Filing Date	July 3, 2004												
First Named Inventor	K. Paul Miller												
Art Unit	2834												
Examiner Name	Yuhua, Bao B.												
Attorney/Agent Name	YONGGANG MURPHY												

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR § 1.114

a. ☒ Previously submitted

i. ☒ Consider the new/modified/added subject matter under 37 CFR § 1.118 previously filed as Response 4, 2005.  
(Any unexamined amendments) submitted in place will be entered.

ii. ☐ Consider the arguments in the Appeal brief or Reply brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Information Disclosure Statement (IDS)

iii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.177 required)

b. ☐ Other \_\_\_\_\_

3. Fee

a. ☒ The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

b. ☒ This Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 00-4318

i. ☒ RCE fee required under 37 CFR § 1.17(e)

ii. ☐ Extension of time fee (37 CFR §§ 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

c. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

d. ☐ Payment by credit card (Form PTO-529a enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-529a.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Frederick W. Gable, III	Registration No. (Attorney/Agent)	21,339
Signature	<i>Frederick W. Gable, III</i>	Date	January 7, 2005

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this communication is being deposited with the United States Postal Service with sufficient postage as first class mail to the following address(es): Commissioner for Patents, Box RCE, Washington, DC 20530, or (if not transmitted to the U.S. Patent and Trademark Office) 703-671-4332.			
Name (Print/Type)	Frederick W. Gable, III		
Signature	<i>Frederick W. Gable, III</i>	Date	January 7, 2005

Notice: This form is subject to the provisions of 37 CFR 1.114. This form is not to be used for the purpose of filing a request for continued examination (RCE) under 37 CFR 1.114. For more information, see the Instructions for RCEs (not to be submitted to the USPTO) on page 2. DO NOT SEND FORM ON CD-ROMS TO THE ADDRESS ABOVE AND CONTACTED PARTS TO THE ADDRESS ABOVE. Send RCEs, Washington, DC 20530.

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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Address to:  
Commissioner for Patents  
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Washington, DC 20231

Application Number	09/895,198
Filing Date	July 2, 2001
First Named Inventor	K. Paul Muller
Art Unit	2814
Examiner Name	Trinh, Hoa B.
Attorney Docket Number	YO999247DIV

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. **Submission required under 37 CFR §1.114.**

### a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on December 6, 2002

(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

### b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR §1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. **Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0510

i. ☒ RCE fee required under 37 CFR §1.17(e)

ii. ☐ Extension of time fee (37 CFR §§1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

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## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)

Frederick W. Gibbs, III

Registration No. (Attorney / Agent)

37,629

Signature

*Frederick W. Gibbs, III*

Date

January 7, 2003

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Name (Print / Type)

Frederick W. Gibbs, III

Signature

*Frederick W. Gibbs, III*

Date

January 7, 2003

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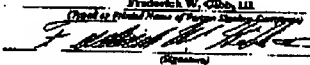
SENT BY: MCDONNA SIBB;		301 261 8825;	AUG-15-03 12:45;	PAGE 1
<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Muller et al.			Docket No. Y009924731V	
Serial No. 02/295,190	Filing Date July 2, 2001	Examiner Trinh, Kim B.	Group Art Unit 2814	
Invention: LATERAL PATTERNING				
I hereby certify that this <u>Notice in Writing of Filing of Amendment</u> <small>(Identify type of correspondence)</small> is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-3333) on <u>August 15, 2003</u> <small>(date)</small>				
Frederick W. Cihb III <small>(Print or Typed Name of Person Making Statement)</small>  <small>(Signature)</small>				
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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.5)</b>			Docket No. Y0999647DEY	
Applicant(s): Muller et al.				
Serial No. 07995,198	Filing Date July 2, 2003	Examiner Trish, Han B.	Group Art Unit 2834	
Inventor: LATERAL PATTERNING				
<p>I hereby certify that this <u>Division to Withdraw Holding of Abandonment</u>  <small>(Priority date of correspondence)</small>  is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-9319)  on <u>August 18, 2003</u>  <u>2003</u></p> <p style="text-align: center;"> <u>Frederick W. Gibb, III</u>  <small>(Print or typed name of person sending facsimile)</small>    <small>(Signature)</small> </p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>				

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Muller et al.			Docket No. YO999247DIV	
Serial No. 09/895,198	Filing Date July 2, 2001	Examiner Trinh, Hoa B.	Group Art Unit 2814	
Invention: LATERAL PATTERNING				
<p>I hereby certify that this <u>Petition to Withdraw Holding of Abandonment</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9319</u>) on <u>August 15, 2003</u> (Date)</p> <p style="text-align: center;"><u>Frederick W. Gibb, III</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>				

P18/REV01